

MINUTES

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

EDUCATION AND TRAINING COMMITTEE

February 15, 2017

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Robin Pendergraft called the meeting to order at 1:00 p.m.
Those in attendance were:

- *Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- *Kenneth Mullen, N.C. Criminal Justice Association
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Chris Blue, N.C. Police Executive Association
- *Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- *Ricky Parks, Appointment by the General Assembly – Speaker of the House

Visitors

Felicia Banks, NC Dept. of Public Safety - OSDT
Hope Bryant, NC Dept. of Public Safety - OSDT
Tim Pressley, Orange County Sheriff's Office
Jay Fortenberry, Edenton Police Department
Robert Hassell, Reidsville Police Department
Stephanie Freeman, NC Administrative Office of the Courts

Staff

Trevor Allen, NC Criminal Justice Standards Division
Charminique Branson, NC Criminal Justice Standards Division
Bill DuBois, NC Justice Academy
Gary Dudley, NC Justice Academy
Stacy Holloman, NC Justice Academy
Vicki Helms, NC Justice Academy
Bob Overton, NC Criminal Justice Standards Division
Mark Strickland, Director, NC Justice Academy
Perry Harris, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

Chairperson Robin Pendergraft welcomed members and guests. The meeting was called to order and the roll was called. A quorum was present.

MINUTES

Commissioner Robin Pendergraft introduced the November 16, 2016 meeting minutes and Commissioner Chris Blue proposed a **motion** to accept and approve the minutes, with a **second** by Commissioner Nathan Mizell, **motion carried**.

COMMISSION ACTION

ADMINISTRATIVE CODE- PROPOSED RULE REVISION

On behalf of the Federal Law Enforcement Committee, Commissioner Steve Johnson appeared before the Committee to present the proposed rule change to *Administrative Code 12 NCAC 09B.0403 - Evaluation for Training Waiver*.

The request requires a rule change for the following:

- 12 NCAC 09B .0403 – Evaluation for Training Waiver

Commissioner Johnson chaired a committee that examined the feasibility to grant Federal Law Enforcement Officers credit for training and experience toward North Carolina Law Enforcement Officer Certification. A hand-out was provided that reflects the revisions which outlined the requirements the committee recommends to granting credit. Paragraphs (12) and (13) on page 3 and 4 of the rule contain the proposed revisions.

Having approved the recommendation as presented, Commissioner Steve Johnson proposed a **motion** that that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, ***12 NCAC 09B .0403 – Evaluation for Training Waiver*** as follows:

- Modify the language in paragraph (a), subparagraph (2) as follows:
 - Change the break in service language from “one year” to “three years.”
- Delete the following language in paragraph (a), subparagraph (12):
 - “Persons who have completed training as a federal law enforcement officer and are candidates for appointment as a sworn law enforcement officer in North Carolina shall be required to complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination;”
- Add the following language in paragraph (a), subparagraph (12):
 - “Individuals seeking certification with the Commission and have been appointed as Special Agents with the Federal Bureau of Investigation, United States Secret Service, Bureau of Alcohol, Tobacco and Firearms, and Drug Enforcement Administration, United States Marshals and Deputy United States Marshals shall be evaluated to determine the amount and quality of their training and experience. These individuals shall not have a break in service exceeding three years. At a minimum, federal law

enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals must complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics pursuant to 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics."

- Include the following language as paragraph (a), subparagraph (13):
 - "Federal law enforcement transferees other than those listed in Paragraph (12) of this Rule shall be evaluated to determine the amount and quality of their training and experience. Federal law enforcement officers shall not have a break in service exceeding three years. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees, must complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission- accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period."
- Renumber existing subparagraphs in paragraph (a) to reflect "(14)" through "(19)."

With a **second** made by Commissioner Nathan Mizell, **motion carried**.

ADMINISTRATIVE CODE: PROPOSED RULE REVISION: LAW ENFORCEMENT MANDATORY IN-SERVICE

On behalf of the Joint In-Service Training Committee, Criminal Justice Education and Training Standards Division, Deputy Director Trevor Allen appeared and presented the proposed rule change to *Administrative Code 12 NCAC 09E .0105 - Minimum Training Specifications for Annual In-Service Training*.

The request would require a rule change for the following:

- 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training

The Joint In-Service Training Committee met on January 26, 2017 to discuss and approve training objectives for the 2018 Law Enforcement Mandatory In-Service Topics. It was proposed the administrative code should specify the total number of credits required for all officers. There are currently 24 credit hours totaled for the required topics, but this number has not been mandated. The Joint In-Service Committee proposed a draft rule to specify a mandate for total credit hours.

Having approved the recommendations as presented, Commissioner Kenneth Mullen proposed a **motion** that the Commission hereby authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, ***12 NCAC 09E 0105 – Minimum Training Specifications: Annual In-Service Training*** as follows:

- Add the following language in paragraph (a):
 - “All sworn law enforcement officers shall complete a minimum of 24 in service training credits. The following topics, totaling 18 credits, are specifically required:”
- Delete the following language in paragraph (a):
 - “These specifications shall be incorporated in each law enforcement agency’s annual in-service training courses:”
- Modify the language in paragraph (a), subparagraph (1) as follows:
 - Change the year from “2017” to “2018” and “(6 credits)” to “(4 credits).”
- Modify the language in paragraph (a), subparagraph (2) as follows:
 - Change the year from “2017” to “2018.”
- Modify the language in paragraph (a), subparagraph (3) as follows:
 - Change the title from “2017 Positively Impacting Today’s Youth” to “2018 Strategies to Improve Law Enforcement Interactions and Relationships With Minority Youth”
- Modify the language in paragraph (a), subparagraph (4) as follows:
 - Change the title from “2017 Domestic Violence: Protecting Victims of Domestic Violence” to “2018 Equality in Policing”
- Delete the following language in paragraph (a), subparagraph (5):
 - “2017 Improving Decision-Making Skills (4 credits); and” and replace with “2018 Communications Skills With Persons in Crisis – De-escalation Techniques (4 credits).”

- Delete the following language in paragraph (a), subparagraph (6):
 - “2017 Department Topics of Choice (4 credits).”
- Change numbering/lettering sequence of paragraph (a), subparagraph (6) to reflect paragraph “(b)” and add the following:
 - “All sworn law enforcement officers shall complete a minimum of 6 in service credits, in topics identified by their respective agency heads.”
- Modify lettering in remaining paragraphs to reflect “(c)” through “(f).”

With a **second** made by Commissioner Chief Blue, **motion carried.**

COMMITTEE ACTION

JOINT IN-SERVICE TRAINING COMMITTEE - 2018 IN-SERVICE TRAINING OBJECTIVES

On behalf of the Joint In-Service Training Committee, Bill DuBois with the North Carolina Justice Academy, appeared and presented the approved recommended Training Objectives for the 2018 In-Service Training Topics. The Commission met in November 2016 and approved the In-Service Topics. On January 26, 2017 the Joint In-Service Training Committee presented the draft objectives to these topics which had minor changes. The following are the finalized 2018 Training Objectives for approval.

Proposed Law Enforcement 2018 In-Service Training Objectives:

Required Topics:

- 2018 Firearms Training and Qualification (4 hours/credits)
 - Discuss and use the provisions of N.C. General Statute §15A 401(d)(2) Use of Deadly Force, as well as any departmental policy relating to the use of force.
 - Identify and practice the provisions of N.C. General Statute §14-269 and of Article 54 as it applies to concealed carry by sworn law enforcement personnel.
 - Describe and apply firearms safety on and off duty, on the range, and in the home.
 - Describe and demonstrate basic marksmanship fundamentals to include grip, stance, sight alignment, sight picture, and the draw.
 - Demonstrate the ability to attain a minimum qualification score of 70 percent or higher if the agency standards exceed state minimums on an approved course of fire for both day and night and also demonstrate the ability to pass a day and night decision-making course of fire. The officer will have three attempts within a given day per course of fire

- 2018 Legal Update (4 hours/credits)
 - Discuss relevant federal and state case law as it applies to North Carolina law enforcement officers.
 - Review relevant North Carolina statutory changes and the practical implications for law enforcement officers.
- 2018 Strategies to Improve Law Enforcement Interactions and Relationships With Minority Youth (2 hours/credits)
 - Examine factors influencing minority juvenile decision-making.
 - Identify effective communication skills when interacting with juveniles.
 - Examine techniques for diffusing and de-escalating situations with anxious or defiant youth.
- 2018 Equality in Policing (4 hours/credits)
 - Develop an understanding of the changing social and cultural demographics of North Carolina.
 - Identify social and political climates that create tension between criminal justice professionals and the community.
 - Identify the three dimensions of diversity and their relevance in providing equitable delivery of police services.
 - Develop an understanding of the impact of subcultures on police interactions with the public.
 - Discuss techniques criminal justice professionals might adopt to meet community expectations.
 - Identify techniques that contribute to enhancing the perceived legitimacy of a criminal justice agency and support the concepts of equality in policing.
- 2018 Communication Skills With Persons in Crisis- De-escalation Techniques (4 hours/credits)
 - Define de-escalation.
 - List and discuss key inter-related de-escalation components.
 - Identify techniques that improve an officer's ability to de-escalate themselves and fellow officers.
 - Identify techniques that improve an officer's ability to de-escalate situations.
 - Review resources available for those potentially in need of emotional or mental health assistance.

Topics of Choice:

- Law Enforcement Intelligence Update (2 hours/credits)
 - Examine current North Carolina drug trends and identify associated potential hazards to law enforcement.
 - Differentiate between various types of gang, anti-government, criminal, and extremist groups present in North Carolina along with the dangers they pose.
 - Identify the purpose and goals of law enforcement information collection and sharing available resources.

- Leadership Through Community Partnership (2 hours/credits)
 - Understand the value and importance of partnering with community stakeholders in preventing, responding to, and solving crime.
 - Identify methods of building trust and meaningful relationships between criminal justice professionals and community stakeholders as a collaborative model.
 - Discuss ways to increase perceptions of police fairness, legitimacy, and effectiveness to generate community support.
- Officer Safety: Surviving Planned Attacks Against Law Enforcement Officers (4 hours/credits)
 - Define and discuss the term “ambush.”
 - Review current trends related to officer attacks, fatal and nonfatal.
 - Discuss the importance of situational awareness on and off duty.

Commissioner Ricky Parks proposed a **motion** to accept the recommendations presented for the 2018 In-Service Training Objectives, with a **second** from Commissioner Kenneth Mullen, **motion carried.**

SCHOOL ACCREDITATION SUBCOMMITTEE

On behalf of the School Accreditation Subcommittee, Deputy Director Trevor Allen with the Criminal Justice Standards Division staff, recommend the accreditation of Elizabeth City Police Department for a period of (5) years in accordance with *12 NCAC 09B .0200 and 12 NCAC 09C .0401* for the delivery of the Commission accredited courses:

- **Accreditation** – Elizabeth City Police Department
 - General Instructor Training and
 - Speed Measuring Instrument Training

The Criminal Justice Standards staff found the following institution to have met standards for accreditation and recommend accreditation for five (5) years for the delivery of the Commission accredited courses.

Commissioner Nathan Mizell proposed a **motion** to accept the recommendation presented, with a **second** from Commissioner Chris Blue, **motion carried.**

ELECTRONIC SIGNATURES: COMMISSION FIREARMS QUALIFICATION RECORD

On behalf of the Criminal Justice Standards Division, Deputy Director Trevor Allen, recommended the use of electronic signatures by instructors who deliver the classroom portion of Annual In-Service Training. The use of an electronic signature would apply to Section II, Firearms Instructor Compliance – Classroom Requirement and Section IV, Agency Acknowledgement of Qualification Scores located on page 1 of the Commission Firearms Qualification Record, (Form F-9A). A hand signature was also recommended to be required for Section V on page 2, Range Qualification Scores of the Form F-9A.

The Commission Firearms Qualification Record, F-9A Form, (joint with Sheriff's Commission) must be completed and maintained by agencies to record officer's firearm qualification and training scores. It has been requested to allow the electronic signatures used by instructors who deliver the classroom portion of Annual In-Service Training. The electronic signatures would be more efficient for instructors use, when considering the possibility of hundreds of certificates that require a hand signature. Division staff agrees the electronic signatures in Sections II and IV, of Page 1 would be more efficient without any hindrance to the Division's efforts.

Commission Steve Johnson proposed a **motion** to approve the recommendation presented, with a **second** by Commissioner Chris Blue, **motion carried**.

INFORMATIONAL ITEMS

General Instructor Training Revision Committee – Course Revision

On behalf of the General Instructor Training Revision Committee, Perry Harris, with the North Carolina Justice Academy, briefed the Committee on the status of the General Instructor Training course revision process. The Revision Committee revised and developed new lesson plans for the Audio Visual Aids, Professional Resources and Evaluation Times and Scores. These revisions included lessons plans that were rewritten, title changes, as well as minor adjustments. The proposed changes were also made to how references are cited within the lesson plan.

The following is an overview of the proposed changes:

1. Presentation length will center 70 minutes. (+ or - 5 minutes) (formally 80 min.)
2. Introduction will be 8 minutes. (formally 10 min.)
3. Body will be 54 minutes. (formally 60 minutes)
4. Conclusion will be 8 minutes. (formally 10 min.)
5. Non-Teaching Time will be 10 minutes. (formally 15 min.)
6. Five (5) Minute Mandatory Break remains and will not be calculated into the 70 minutes.
7. Pass/Fail Teaching Time Presentation window will be 65 to 75 minutes. Less than 65 minutes or greater than 75 will constitute a failure, with the availability of one (1) opportunity to re-present.
8. The entire Footer Section of each GI Lesson Plan, including page number would be written in: Times New Roman, Bolded, Italics, and 12 point font.
9. All Embedded Instructor Notes contained within the Introduction, Body, and Conclusion of every GI Lesson Plan would be "Left Justified" on the page to set it out for recognition purposes from the lesson plan text.
10. Grading of the Presentation and Developed Lesson Plan will become more in line with the recognized 75-100 score range that exist with written testing.
11. The Committee elected to recommend a clarification that the adopted new eight (8) minute Introduction presentation be utilized to satisfy the videotaping requirement, and that the video does not have to be maintained by the School Director as part of the course file.

The next General Instructor Training Revision Committee meeting is scheduled for March 23, 2017 at the Cleveland County Community College at 11:00 a.m. Once lesson plans are finalized by the Revision Committee, a request will be made for approval at the May 2017 E&T Meeting. The Revision Committee will then provide the approved revisions to the E&T Standards Staff for the development of testing material. The Revision Committee will also explore a mandate to require entry level reading or a minimum experience/education requirement beginning at the same 10th grade reading level as mandated for BLET.

The Revision Committee estimates once Pilot Authority has been approved, implementation can begin on July 1, 2017. The Revision Committee will ask for Pilot Authority to include implementation in June with the Salemburg Campus of the Justice Academy and extend to July at the Edneyville Campus, and include Wake Tech, Pitt and Wilkesboro Community College for implementation in July.

The community colleges are the primary locations where learning and testing occurs. An agreement will be established with these colleges to administer testing, since the Justice Academy does not maintain the required equipment to deliver test results. Colleges that have either the BLET program or General Instructor School are capable to implement these changes without issues.

Commissioner Pendergraft suggested the Committee determine justification for their requests at the next E&T Meeting. Mr. Harris stated, at the next meeting his memo will include Michael Lamonds, with the Department of Public Safety Career Development Section and the agency's testing results for the past several years.

Any mandatory updates that are required for in-state General Instructors will have incorporated these new revisions.

Program Evaluation Committee – Certification Evaluation

Dr. Ken Mullen with Appalachian State University, addressed the purpose and need to continue the Program Evaluation Committee, requesting insight and support to ensure this program is meaningful to agencies and organizations. The Committee recommended staff to research this issue and to be further discussed at the next meeting in May.

The Program Evaluation Committee evaluates and certifies the Criminal Justice Programs of Community Colleges and Universities, both public and private. Once colleges complete their self-evaluations and apply for certification, a scheduled on-site visit is made by the Program Evaluation Committee for an evaluation. The process is lengthy and requires both time and money with a plaque that recognizes certification.

The Southern Association of Colleges and Schools was established in 1895. Some schools are mandated through the Association for certification and some received directives from the last accreditation. There are some schools in which their Departments recommend certification from an outside evaluator.

Dr. Mullen advises, self-evaluations are completed and compared to universities both in and out of state. Most self-evaluations are mandated by the Federal Government and there is no money allocated for this mandate. Every program in NC within the state system is an accredited university through the Southern Association of Colleges and Schools.

Trevor Allen shared the rule that governed this evaluation process made by the Program Evaluation Committee that became effective in 1985. Historically, 15 institutions have undergone this process, currently 6-8 are in within their certification period, and within the last 2 years, 3 schools have recertified without an on-site visit from the Committee due to being outside of the period of expiration, but close enough for recertification.

Committee members addressed several issues the Program Evaluation Committee should consider being discussed at the next meeting. It is important that the purpose of the Program Committee is understood, why it was implemented and the benefits it can bring to schools to be accredited. Currently a schools accreditation is not taken into consideration during hiring and because this program is not highly publicized and few schools are accredited it was suggested the Program Committee provide its purpose and justification for an agency to consider in determining their involvement to undergo the certification and evaluation process. The Committee should refer to established accredited programs for ideas to assist with supporting their goal.

Commissioner Robin Pendergraft suggested this information item added to the agenda for the next meeting with a rule to establish when the Evaluation Program began and its purpose. She also suggested someone to speak with Dr. Ruth to determine the basis for this rule in hopes to further discuss this issue at the next meeting so a possible decision can be made.

New Firearms Requirement for Law Enforcement

Commissioner Steve Johnson discussed the need for a new firearms requirement that would require law enforcement to qualify during both day and night (low light) qualifications with the use of all weapons. A mandate was only made for In-Service Firearms Training that required night (low light) handgun qualification. It is suggested a rule be established to include day and night qualification utilizing all weapons an officer carries, handguns and long guns. The suggested rule change will be announced at the next meeting held in May. Commissioner Johnson requests personnel and firearms instructors to further discuss this issue in detail. He suggests the impact of this change will be minor since large law enforcement agencies have already implemented this standard into their policy to require day and night qualifications.

The following provisions will be requested:

- 1) Minimum 50 yard shooting range (this accommodates most ranges).
- 2) Allow handheld guns to have mount lights and used during qualification to increase sight of targets for officers. Consideration needs to be made regarding the use of long guns, red dot optics, lasers or anything that increases the officer's sight of target.

Further discussion was held by Tim Pressley who shared the experience his daughter had regarding her law enforcement training and certification when she transferred to an out of state agency for employment. The training and certification she received in NC was not transferable to an out of state agency. Additional testing was required by the out of state agency and she was still unable to work full time considering the 600 hours she had obtained in state while employed at the Chapel Hill PD. He shared that she has been part-time for 4 years and wants to return for employment in-state without repeating the training she received prior to her in-state training experience. The question was posed to what can be done to assist officers from repeating training in another state?

With no further business, Commissioner Steve Johnson proposed a **motion** to adjourn, with a **second** from Commissioner Kenneth Muller, **motion carried**. The meeting adjourned at 2:08 p.m.